

Attorney Docket No.: 98.21US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shah, et al.

Serial No.: 09/324,182

Group Art Unit: 1615

Filed: June 2, 1999

Examiner: Pulliam, Amy

For: Non-Tacky Mascara Composition

AMENDMENTS

1.(currently amended) A mascara composition comprising a seedless but otherwise substantially unfiltered whole processed fruit or vegetable extract of at least tacky constituents of the fruit or vegetable selected from the group consisting of pulp and skin dispersed in a silicone oil.

2.(previously presented) The composition of claim 1 in which said whole processed fruit or vegetable extract is present in an amount of about 0.05 to about 0.50 percent by weight of the composition.

3.(previously presented) The composition of claim 2 in which said whole processed fruit or vegetable extract is present in an amount of about 0.1 to about 0.4 percent by weight of the composition.

4.(previously presented) The composition of claim 1 in which said whole processed fruit or vegetable extract is fruit-derived.

5.(original) The composition of claim 4 in which said fruit is selected from the group consisting of apple, pear, peach, mango, papaya, apricot, nectarine and combinations thereof.

6. (original) The composition of claim 5 in which said fruit is apple.

7.(previously presented) The composition of claim 1 in which said whole processed fruit or vegetable extract is vegetable-derived.

8.(original) The composition of claim 7 in which said vegetable is selected from the group consisting of yams, potatoes, peas, peppers, beans, squashes, carrots, and combinations thereof.

9.(original) The composition of claim 1 in which said extract is unfiltered.

10.(original) The composition of claim 1 in which said silicone oil is volatile.

11.(original) The composition of claim 10 in which said volatile oil is selected from the group consisting of cyclomethicone, hexamethylcyclotrisiloxane, octamethylcyclotetrasiloxane, decamethylcyclopentasiloxane, and dimethylpolysiloxane.

12.(original) The composition of claim 11 in which said silicone oil is cyclomethicone.

13.(original) The composition of claim 1 in which said silicone oil is non-volatile.

14.(original) The composition of claim 13 in which said non-volatile oil is selected from the group consisting of dimethicone, cetyl dimethicone, phenyl trimethicone, lauryl trimethicone, dimethiconol, and mixtures thereof

15.(previously presented) The composition of claim 1 wherein said whole processed fruit or vegetable extract comprises natural fibers.

16.(original) The composition of claim 15 further comprising non-plant fibers selected from the group consisting of synthetic non-plant fibers and natural non-plant fibers.

17.(original) The composition of claim 16 in which said non-plant fiber is synthetic.

18.(original) The composition of claim 17 in which said synthetic fiber is selected from the group consisting of polyester, polyethylene, polypropylene, acrylic, aramid, rayon, cotton, wool, silk, nylon and blends fiber.

19.(original) The composition of claim 16 in which said non-plant fiber is natural.

20.(original) The composition of claim 19 in which said natural non-plant fiber is selected from the group consisting of chitin, etherified chitin, esterified chitin, chitosan, quaternary chitosan, and derivatives thereof.

21.(original) The composition of claim 16 further comprising an antistatic agent present in an amount of about 0.01 to about 10.00 percent by weight of the composition.

22. (original) The composition of claim 21 in which said antistatic component is selected from the group consisting of nonionic, anionic, cationic, and amphoteric surfactants; amino sugars; and mixtures thereof.

23. (original) The composition of claim 22 in which said amino sugar is chitin.

24. (original) The composition of claim 1 which also comprises a pigment.

25.(currently amended) A mascara composition comprising a seedless but otherwise substantially unfiltered whole processed fruit or vegetable extract of at least tacky constituents of the fruit or vegetable selected from the group consisting of pulp and skin dispersed in a volatile silicone oil, an antistatic component, a non-plant fiber component, and said whole processed fruit or vegetable extract comprising a natural fiber component.

26.(previously presented) The composition of claim 25 in which said whole processed fruit or vegetable extract is apple-derived.

27. (original) The composition of claim 26 in which said non-plant fiber component is nylon.

28.(original) The composition of claim 27 in which said antistatic component is chitin.

29.(original) The composition of claim 28 in which said non-plant fiber component further comprises chitin.

30.(currently amended) A mascara composition for application to the eyelashes comprising about 0.05 to about 0.50 percent by weight of the composition of a seedless but otherwise substantially unfiltered whole processed apple extract of at least tacky constituents of the fruit or vegetable selected from the group consisting of pulp and skin dispersed in a cyclomethicone, a non-plant fiber component comprising nylon and chitin, an antistatic component comprising chitin, and said whole processed apple extract comprising a natural apple fiber component.